

THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.1508 OF 2006

Dated: 17th March, 2006.

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Between:

Md. Ishaq ... Petitioner

And

1. The Commissioner of Police, Hyderabad.
2. The Station House Officer, Police Station,
Ramgopalpet, Secunderabad. .. Respondents

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WRIT PETITION No.1508 OF 2006

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ORDER :

This writ petition is filed seeking a Mandamus declaring the alleged action of the respondents in interfering and obstructing with the day to day life and liberty of the petitioner particularly on 20-1-2006, 23-1-2006 and 24-1-2006 as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that he is carrying on travel business and residing at Khatija Colony, Edi Bazar, Hyderabad. It is alleged that on 20-1-2006 the subordinates of the 1st respondent – Commissioner of Police, Hyderabad came to his house to arrest him and again on 23-1-2006 and 24-1-2006 they came to his house asking about his whereabouts and continued such harassment even thereafter. It is contended that the said action of the respondents amounts to infringement of the rights guaranteed under Articles 21 and 22 of the Constitution of India. Hence, this writ petition.

In response to Rule Nisi ordered, the 2nd respondent - Inspector of Police, Ramgopalpet Police Station filed a counter-affidavit denying the allegations made by the petitioner. It is explained that on 13-1-2006 one Kum. Shilpa Gaikwad lodged a complaint stating that on 13-1-2006 some persons kidnapped her sister. On the basis of the said complaint, Cr.No.8 of 2006 was registered under Section 365 read with 34 of the Indian Penal Code and the investigation was taken up. During the course of investigation, 14 witnesses were examined and the accused were traced and some of them were arrested and remanded to judicial custody. It is further stated that during the course of investigation, the petitioner's involvement had come to light in kidnapping the sister of the complainant, however since the date of offence the petitioner was absconding. The other allegations made by the petitioner that the police officials have been harassing him and his family members have been categorically denied and it is stated that though the petitioner's name was not shown as accused in the First Information Report initially, his name was added subsequently pursuant to the information gathered in the investigation. The allegation that the police went to the house of the petitioner on 20-1-2006, 23-1-2006 and 24-1-2006 without due process of law has been denied.

In view of the averments in the counter-affidavit which stood unrebutted, I do not find any substance in the allegations made by the petitioner.

As can be seen, as on today, Cr.No.8 of 2006 of Ramgopalpet P.S. is pending against the petitioner and therefore it is open to the respondents to proceed with the investigation in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs.

G. ROHINI, J.

Dt. 17/03/2006

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